

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

IN RE: Nina Pande
Respondent

Complaint No. NF2011-20

DECISION AND ORDER OF THE ETHICS COMMISSION

This matter was adjudicated before the State of Rhode Island Ethics Commission ("Commission") on April 3, 2012, pursuant to R.I. Gen. Laws § 36-14-13 and Ethics Commission Regulation 36-14-1015. The following Commissioners were present for the adjudicative proceeding, participating in the deliberations and the rendering of this Decision and Order: Ross E. Cheit, Chair; Deborah M. Cerullo SSND, Vice Chair; Frederick K. Butler; Mark B. Heffner; John M. LaCross; and John D. Lynch, Jr.

Amy C. Stewart, staff attorney for the Commission, prosecuted the case. The Respondent, Nina Pande, did not appear. Edmund L. Alves, Jr. attended all proceedings as legal counsel for the Commission.

At the conclusion of the adjudicative proceeding, the Commission, by unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial disclosure statement and imposed a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars.

Travel of the Case

On August 24, 2011, the Executive Director of the Commission through his designee, Peter J. Mancini, Deputy Chief Investigator, filed a Complaint with the Commission. The Complaint alleged that the Respondent violated § 36-14-16 by failing to timely file an annual financial disclosure statement for the 2010 calendar year.

Pursuant to § 36-14-12(c)(4) and Ethics Commission Regulation 36-14-1006, the Commission conducted a probable cause hearing in this matter on November 8, 2011. After considering the Complaint, the Investigative Report and the arguments of counsel, the Commission unanimously adopted the following finding of probable cause:

That there is probable cause to believe that the Respondent, Nina Pande, violated R.I. Gen. Laws § 36-14-16 by failing to timely file her 2010 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on April 3, 2012. A stenographer was present during the entirety of the proceeding. After deliberating in open session, the Commission, by a unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16, as stated in its finding of probable cause, and imposed a civil penalty in the amount of One Thousand Five Hundred (\$1,500.00) Dollars.

Findings of Fact and Conclusions of Law

The Prosecution offered evidence through the affidavits of two witnesses: Commission Administrative Officer, Michelle Berg and Commission Deputy Chief Investigator, Peter J. Mancini. The Respondent did not appear or offer any evidence. Based upon the uncontroverted evidence presented by the Prosecution in this matter, the Commission hereby makes the following findings of fact and conclusions of law:

1. The Respondent was appointed as a member of the Providence School Committee in January 2011 and she continues to serve in that position.
2. At all times relevant, the Respondent was a municipal appointed official subject to the Rhode Island Code of Ethics in Government.

3. As a municipal official appointed in January of 2011, the Respondent was required to file a 2010 financial disclosure statement within thirty (30) days of her appointment pursuant to R.I. Gen. Laws § 36-14-16.

4. On March 2, 2011, the City Clerk for the City of Providence notified the Commission of the Respondent's January 2011 appointment and provided the Commission with the Respondent's mailing address of 182 Adelaide Avenue, Providence, Rhode Island 02907.

5. On or about March 25, 2011, a financial disclosure statement form for the 2010 calendar year was mailed to the Respondent at her designated address of 182 Adelaide Avenue, Providence, Rhode Island 02907.

6. On or about June 16, 2011, a reminder notice was mailed to the Respondent at her designated address of 182 Adelaide Avenue, Providence, Rhode Island 02907, noting that the Commission had not received her 2010 financial disclosure statement.

7. Neither mailing was returned to the Commission office as undeliverable.

8. The Respondent failed to timely file a 2010 financial disclosure statement by the statutory deadline.

9. The Respondent's 2010 financial disclosure statement was untimely filed on September 15, 2011.

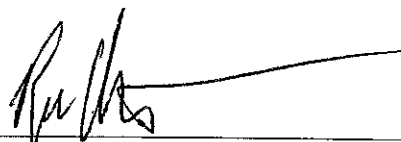
Conclusion

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission, by a unanimous vote of 6-0, finds that the Respondent committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial disclosure statement with the Rhode Island Ethics Commission.

Civil Penalty

The Commission, by a unanimous vote of 6-0, imposes on the Respondent a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars pursuant to § 36-14-13(d)(3).

5/1/2012
Date



Ross E. Cheit, Chair
Rhode Island Ethics Commission

PURSUANT TO THE PROVISIONS OF R.I.G.L. § 42-35-15 ANY PERSON WHO IS AGGRIEVED BY THIS DECISION AND ORDER IS ENTITLED TO JUDICIAL REVIEW. PROCEEDINGS FOR SUCH REVIEW ARE INSTITUTED BY FILING A COMPLAINT IN THE SUPERIOR COURT FOR PROVIDENCE COUNTY WITHIN THIRTY DAYS AFTER MAILING NOTICE OF THIS DECISION AND ORDER BY THE ETHICS COMMISSION. A COPY OF THE COMPLAINT MUST BE SERVED UPON THE ETHICS COMMISSION WITHIN TEN DAYS AFTER IT IS FILED IN COURT, PROVIDED HOWEVER THAT THE TIME FOR SERVICE OF THE COMPLAINT MAY BE EXTENDED BY ORDER OF THE COURT FOR GOOD CAUSE.

CERTIFICATE OF SERVICE

I, Suzy Melo, hereby certify that on the 1st day of May, 2012, I forwarded via certified mail and regular mail (postage prepaid) a copy of within document, Decision and Order of the Ethics Commission to the Respondent, Nina Pande, at 182 Adelaide Avenue, Providence, Rhode Island 02907.

Suzy Melo
Signature